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2 Northern District of California
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8 Counsel for Defendant GARCIA-BENZON
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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
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14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 BRYAN GARCIA-BENZON,

18 Defendant.
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Case No.: CR 20-477 JD

**DECLARATION OF COUNSEL IN
SUPPORT OF SENTENCING
MEMORANDUM**

1 I, GABRIELA BISCHOF, state as follows:

- 2 1. I am an attorney employed by the Office of the Federal Public Defender for the
3 Northern District of California. I have been appointed to represent the defendant in
4 the above-entitled matter.
- 5 2. Attached hereto as Exhibit A is a true and correct copy of Mr. Garcia-Benzón's letter
6 to the Court.
- 7 3. Attached hereto as Exhibit B is a true and correct copy of the Sworn Statement of
8 Anual Ramon Bengson Pineda.
- 9 4. Attached hereto as Exhibit C are true and correct copies of medical records stemming
10 from the March 2019 shooting, filed under seal.
- 11 5. Attached hereto as Exhibit D are true and correct copies of Mr. Garcia-Benzón's U-
12 Visa paperwork including police report and news article related to the March 2019
13 shooting, filed under seal.
- 14 6. Attached hereto as Exhibit E are true and correct copies of letters from Mr. Garcia-
15 Benzón's aunt, Karla Sanchez, and friend, Estefany Gonzalez.
- 16 7. Staff at the Federal Public Defender's Office analyzed 95 defendants' resolved cases
17 that were part of the U.S. Attorney's Office's Federal Initiative for the Tenderloin
18 (FIT) campaign. Of those cases, 64 of the defendants (67%) received time served,
19 probation, diversion or ATIP. For defendants in CHC I, 80% (29 out of 36) received
20 time served, probation, diversion or ATIP. Among defendants in CHC I who were in
21 an equal or higher offense level (namely, TOL of 10-14) and thus facing Guidelines
22 of between 6-12 months and up to 15- 21 months, 20 out of 26 such defendants (77%)
23 received time served sentences. Out of this group, only one defendant was out of
24 custody at the time of sentencing and he participated in ATIP. In the 19 strictly
25 comparable cases (defendants in CHC I who at had final offense level 10) 16, or 84%,
26 received probation, diversion, or ATIP. None of these defendants were out of custody
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1 at the time of sentencing. There were only two white defendants in the entire 95-
2 defendant dataset. They received sentences of 0 days and 1 day.
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4 I DECLARE under penalty of perjury that the foregoing is true and correct to the best
5 of my knowledge.

6 Signed this 7th day of September, 2021 in Berkeley, California.
7

8 /s/
9 GABRIELA BISCHOF
10 Assistant Federal Public Defender
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